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NY Summer Session

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FM AMEMBASSY TEL AVIV
TO RUEHC/SECSTATE WASHDC 2156
INFO RUEHBAC/AMEMBASSY CANBERRA 26
RUTADR/AMEMBASSY DAKAR 41
RUESLM/AMEMBASSY LIMA 27
RUQMNI/AMEMBASSY NAIROBI 126
RUEHOT/AMEMBASSY OTTAWA 67
RUESNA/AMEMBASSY SANTIAGO 38
BT

C O N F I D E N T I A L TEL AVIV 4640

FROM OXMAN

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LAW OF THE SEA

1. SUMMARY. THIS CABLE CONTAINS SUMMARIES OF VARIOUS CONVERSATIONS IN GENEVA AND KUALA LUMPUR NOT OTHERWISE REPORTED ON NEXT SESSION OF LOS CONFERENCE. IT INCLUDES MEETING WITH SELECTED MEMBERS OF COASTAL STATE GROUP IN GENEVA (CANADA, CHILE, SRI LANKA, PERU, NORWAY, KENYA, AUSTRALIA), AND BILATERAL DISCUSSIONS WITH CANADA (BEESLEY), CHILE (ZEGERS), SENEGAL (CISSE), SECRETARIAT (ZULETA), AND OTHERS IN KUALA LUMPUR. END SUMMARY.

2. CONFERENCE PROCEDURES. IT APPEARS COASTAL STATE GROUP DESIRES TO AVOID ITEMIZED VOTING, BUT TO PUSH COMMITTEE 2 (AND POSSIBLY 3), TEXTS AT LEAST TO FORMALIZATION BY END OF SUMMER SESSION IRRESPECTIVE OF WHAT HAPPENS IN COMMITTEE 1. PACKAGE VOTE IN COMMITTEE 2 IS THUS POSSIBLE. BEESLEY BROACHED POSSIBILITY OF SEPARATING COMMITTEE 1, BUT OTHERS FELT THAT THIS WOULD NOT BE POSSIBLE, AND BEESLEY AGREED. ZULETA IS HOSTILE TO IDEA OF INDICATIVE VOTING, AND FEELS IT IS NOT CONSISTENT WITH RULES OF PROCEDURE, SO IDEA WAS PROPOSED AND DROPPED WHEN RULES WERE DEBATED. THERE IS WIDESPREAD VIEW THAT SOME SORT OF GROUP MUST TAKE CONTROL IN COMMITTEE 1, BUT ZULETA WARNS VERY STRONGLY AGAINST OPEN FORMATION OF A CORE GROUP, EVEN IF OTHERS PERMITTED TO ATTEND: "CORRIDOR NEGOTIATION" WILL TAKE PLACE, BUT "EVERYONE WHO COUNTS HAS CAUGHT ON TO YOUR GAME LAST TIME, AND IT CANNOT BE REPEATED." ZULETA IS PROMOTING IDEA OF BREAKING UP WORK IN COMMITTEE

State Dept. review completed

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1. IN FORM UNDER ENGO, INTO LEGAL AND FINANCIAL ISSUES; HE SUGGESTS LAUTERPACHT (AUSTRALIA) HANDLE THE FORMER, WITH RESPECT TO THE LATTER, HE IS PROMOTING KASEMSRI (THAILAND), SAYS KOZEMI (IRAN) WOULD BE EXCELLENT IF HE COULD DO IT, AND IS ALSO CONSIDERING VORAH (MALAYSIA). HE FEELS ENGO WILL NOT ACCEPT PINTO, AND THE AFRICANS WILL NOT ACCEPT A LATIN. THERE IS CONSIDERABLE TALK OF A FINAL SESSION IN EARLY 1977, POSSIBLY LIMITED TO FINISHING UP COMMITTEE 1; HOWEVER, ASIDE FROM INDIA, THERE IS NO INDICATION OF STALLING.

3. DEEP SEABEDS, BOTH AUSTRALIA AND SENEGAL AWARE OF CANADIAN PROBLEMS ON ARTICLE 9. CISSE FELT LDC'S SHOULD HELP CANADA. JAGOTA (INDIA) LED ATTACK IN KUALA LUMPUR AGAINST ARTICLE 22 (PARALLEL SYSTEM OF EXPLOITATION). ALTHOUGH HE IS TYPICALLY PREACHING MODERATION AND COMING UP WITH "COMPROMISES" THAT ARE EXTREME. JAGOTA WAS JOINED BY VANDUPUYE (GHANA), KOZEMI (IRAN), AND YUSUF (INDONESIA). HOWEVER, DISCUSSION WAS CONFUSED BY AALCC SECRETARIAT READING OF ARTICLE 22 AS ESTABLISHING 3 RATHER THAN 2 SYSTEMS OF EXPLOITATION, WITH MUCH DEBATE CENTERED ON CLARIFYING THAT ISSUE. (THIS MAY HAVE HAD FORTUITOUS EFFECT OF FOCUSSING ATTENTION ON PUNCTUATION CHANGES IN ARTICLE 22 TO ACHIEVE INTENDED RESULT). SAME GROUP ATTACKED FREE PROSPECTING REGIME, DESPITE LAUTERPACHT'S ATTEMPT TO POINT OUT THAT ANNEX 1, PARA 12, MEETS CONCERNS IN THIS REGARD. (IT ALSO APPEARS THAT JAGOTA IS RUNNING FOR THE ILC THIS FALL, AND MAY BE ATTEMPTING TO UNDERCUT PINTO (WHO IS SEEKING REELECTION) WITH THE AFRICANS BY ASSOCIATING HIM WITH THE REVISED SNT AND COMPROMISES WITH US. AT THE LEAST, THE SRI LANKAN REPRESENTATIVE SEEMED WORRIED, AND WARNED THAT JAGOTA'S REAL EFFORT MAY BE TO STIMULATE US AND INDUSTRIALIZED STATES TO SURFACE IN PUBLIC CAMPAIGN FOR PINTO.) ZULETA, IN PRIVATE CONVERSATION WITH OXMAN, SHARPLY ATTACKED US PROPOSAL ON FINANCIAL ARRANGEMENTS AS AN UNHEARD-OF-WINDFALL FOR COMPANIES; HE PARTICULARLY ATTACKED COMPUTATION OF RETURN ON INVESTMENT FOR FULL LIFE OF CONTRACT ON BASIS OF ORIGINAL RATHER THAN DEPRECIATED INVESTMENT. APPARENTLY HIS DAUGHTER, NOW AT COLUMBIA UNIVERSITY IN NEW YORK, STIMULATED THIS VIEW. LAUTERPACHT ARTFULLY PUSHING

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ARGUMENTS FOR ARBITRATION FOR CI DISPUTES WITHOUT
SAYING THIS IS HIS VIEW.

4. HIGH SEAS STATUS OF ECONOMIC ZONE. MOST DELEGATIONS
LISTENING TO US ARGUMENTS WITHOUT COMMENT. BEESLEY
SPECIFICALLY STATED THAT CANADA AND US HAVE OPPOSITE
POSITIONS ON THE ISSUE, BUT TOWARD END OF CONVERSATION
SEEMED TO BE SEARCHING FOR COMPROMISE FORMULA. ATTORNEY
GEN. KADIR OF MALAYSIA SAID HE AGREED WITH OUR ARGU-
MENTS. ZEGERS OF CHILE STILL DIFFICULT ON ISSUE.

NORWAY (VINDENESS) TRYING TO HELP.

5. SCIENTIFIC RESEARCH. MOST INTERLOCUTORS TAKEN ABACK
BY EXTENT OF OUR CRITICISM OF SCIENTIFIC RESEARCH TEXT,
BUT ARE SAYING LITTLE. HOWEVER, AMBASSADOR ARIAS
SCHREIBER OF PERU SAID IN FRONT OF OTHERS THAT IF
THAT IS THE US ATTITUDE, PERU WILL STOP ALL US SCIENTIFIC
RESEARCH OFF ITS COAST. WE RETORTED THAT THIS IS PRE-
CISELY OUR POINT; SCIENTIFIC RESEARCH SHOULD NOT BE
STOPPED BECAUSE YOU DON'T LIKE WHAT THE FLAG STATE IS
SAYING.

6. DISPUTE SETTLEMENT; LEADING MEMBERS OF THE COASTAL
STATE GROUP APPEAR READY TO ACCEPT CHILEAN IDEA THAT
THERE WOULD BE COMPULSARY DISPUTE SETTLEMENT IN ECONOMIC
ZONE FOR INTERFERENCE WITH NAVIGATION, OVERFLIGHT,
AND COMMUNICATION, AND FOR FAILURE TO MEET ENVIRONMENTAL
DUTIES, BUT NOT RPT NOT FOR FISHERIES. IT SEEMS KENYA
(NJINGA) MAY BE READY TO GO ALONG WITH THIS.

7. ADDITIONAL COUNTRY COMMENTS:

A. SENEGAL. CISSE TOLD AMBASSADOR LEARSON THAT
SENEGAL'S OVERRIDING INTEREST IS IN FISHERIES AND STRONG
COASTAL STATE JURISDICTION. HE HOPES TO SPEND MORE TIME
IN COMMITTEE 1, HOWEVER.

B. CANADA. THERE IS NO RESPONSE YET ON STRAITS/ARCH-
PELAGOES. DESPITE APPEARANCE OF REASONABLENESS, BEESLEY
WAS DIFFICULT ON SUBSTANTIVE ISSUES. BEESLEY SUGGESTED
POSSIBILITY OF BILATERAL MEETING IN NORTH AMERICA DURING
WEEK OF JULY 12. REQUEST DEPARTMENT CONTACT CANADIAN
EMBASSY WITH INQUIRY, BUT WITHOUT SEEMING OVERLY
EAGER.

C. AUSTRALIA. LAUTERPACHT CLEARLY RELISHES IDEA OF
MAJOR ROLE IN COMMITTEE 1, SINCE HE WAS "BORED BEING LEFT

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ON THE PERIPHERY," HOWEVER, HE MUST BE AT THE HAGUE
FROM AUGUST 5 TO 10, BUT MAY COME TO NY FOR FIRST 2 DAYS
OF SESSION. LAUTERPACHT DID NOT KNOW OF AUSTRALIAN
DEMARCHES IN WASHINGTON ON ARTICLE 9 NICKEL PROBLEM, AND
AGREED THAT INTERPRETATION THAT ARTICLE LIMITED
LAND-BASED PRODUCTION WAS INCORRECT. LAUTERPACHT BRIEFED
ON JAKARTA DISCUSSIONS.
D. KENYA. NJENGA WAS MORE MODERATE ON ECONOMIC ZONE
AND DISPUTE SETTLEMENT. HE IS PLANNING MORE
ACTIVE ROLE IN COMMITTEE 1. TOON

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